

SENATE BILL 3484

By Watson

AN ACT to amend Tennessee Code Annotated, Section 63-9-117; Section 63-6-221 and Section 68-11-211, relative to Level II office-based surgery.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-6-221(a), is amended by adding the following language as a new subdivision:

() "Level II office-based surgery" means Level II surgery, as defined by the board of medical examiners in its rules and regulations, that is performed outside of a hospital facility, an ambulatory surgical treatment center, or other medical facility licensed by the department of health;

SECTION 2. Tennessee Code Annotated, Section 63-6-221(h)(2), is amended by deleting the semicolon at the end of the sentence and by adding the language "for physicians performing both office-based surgery and Level II office-based surgery;".

SECTION 3. Tennessee Code Annotated, Section 63-6-221(k), is amended by adding the following language at the end of the subsections:

Any physician who desires to perform Level II office-based surgery shall pay to the department an annual Level II office-based surgery fee as set by the board.

SECTION 4. Tennessee Code Annotated, Section 63-6-221, is further amended by adding the following language as new subsections:

(o) Any physician that proposes to perform Level II office-based surgery must submit to the board, on an application form developed and provided by the board, the following: Level II procedures expected to be performed. The form required by this subsection shall serve as an application form but the information on the form must be updated as appropriate when any information on it has changed.

(p) The board shall notify all physicians of the Level II office-based surgery requirements. Failure of a physician performing Level II office-based surgery to abide by the provisions of this section, any rules promulgated pursuant to this section, or of § 68-11-211, may be grounds for disciplinary action by the board.

SECTION 5. Tennessee Code Annotated, Section 63-9-117(a), is amended by adding the following new subdivision:

() "Level II office-based surgery" means Level II surgery as defined by the board of medical examiners in its rules and regulations that is performed outside of a hospital facility, an ambulatory surgical treatment center, or other medical facility licensed by the department of health;

SECTION 6. Tennessee Code Annotated, Section 63-9-117(h)(2), is amended by deleting the semicolon at the end of the sentence and by adding the following language "for physicians performing both office-based surgery and Level II office-based surgery pursuant to 68-11-211;"

SECTION 7. Tennessee Code Annotated, Section 63-9-117(k), is amended by adding the following language at the end of subsection as follows:

Any physician that desires to perform Level II office-based surgery shall pay to the department an annual Level II office-based surgery fee as set by the board.

SECTION 8. Tennessee Code Annotated, Section 63-9-117, is further amended by adding the following language as new subdivisions:

(o) Any physician that proposes to perform Level II office-based surgery must submit to the board, on an application form developed and provided by the board. Level II procedures expected to be performed. The form required by this subsection shall serve as an application form but the information on the form must be updated as appropriate when any information on it has changed.

(p) The board shall notify all physicians of the Level II office-based surgery requirements. Failure of a physician performing Level II office-based surgery to abide by the provisions of this section, any rules promulgated pursuant to this section, or of § 68-11-211 may be grounds for disciplinary action by the board.

SECTION 9. Tennessee Code Annotated. Section 68-11-211(c), is amended by deleting the present language of subdivision (4) in its entirety and by substituting instead the following language:

(4) "Facility" is any facility licensed under this part and any physician's office where Level II or III office-based surgery takes place.

SECTION 10. This act shall take effect July 1, 2008, the public welfare requiring it.